

A SUBSTITUTE ORDINANCE

BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE DIRECTING THE CHIEF FINANCIAL OFFICER TO REIMBURSE CARTER & ASSOCIATES AND MARTA FOR THE PARTIAL COST OF PUBLIC FACILITIES IMPROVEMENTS ASSOCIATED WITH THE DEVELOPMENT LOCATED AT 2424 PIEDMONT ROAD N.E. AND DIRECTING THE COMMISSIONER OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO CERTIFY ACCEPTANCE OF THE IMPROVEMENTS AS LISTED IN THE 2003 COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND 2003 CAPITAL IMPROVEMENT PROGRAM (CIP) AND FOR OTHER PURPOSES

WHEREAS adopted ordinance 99-O-0941 directed that the City use an amount equal to the impact fees paid in connection with the development of Lindbergh City Center, as well as other funding, to fund the partial cost of public facilities improvements; and

WHEREAS adopted ordinance 01-O-1889 extended the date to which such impact fees be obligated to 12/31/03; and

WHEREAS the projects listed in Exhibit A of this ordinance include the public improvements listed in Exhibit A of adopted Ordinance 99-O-0941, including the traffic calming projects identified in the Transportation Improvement Program as projects AT-AR-BP293 (Peachtree Hills Drive), AT-AR BP138 (Lindbergh Drive) and AT-AR BP301 (East Wesley Road), which shall be partially funded with the impact fees paid in connection with the development of Lindbergh City Center; and

WHEREAS the total estimated project costs of the three traffic calming projects noted above is \$4,680,783; and

WHEREAS adopted ordinance 01-O-1889 authorized the mayor to enter into agreements to complete the scope of work for the three aforementioned projects to the extent of appropriated funding, including entering into a Construction Management agreement with Carter & Associates; and

WHEREAS companion legislation has been prepared and submitted to accept Federal Transportation funds for these three projects in the amount of \$2,834,000 as designated from the Regional Transportation Improvement Program for the funding of 80% of the construction costs portion of these projects; and

WHEREAS adopted ordinance 01-O-0037 directed that the \$509,409 in transportation impact fees paid by Carter & Associates on permit #BB 200004841 be used towards the

partial payment survey, design, administrative, and legal costs associated with these projects; and

WHEREAS Carter & Associates, paid \$29,145 in transportation impact fees on permit #BB 200103698 (Exhibit C) related to the Lindbergh City Center Project; and

WHEREAS adopted ordinance 99-O-0941 directed that an amount equal to the transportation impact fees paid in connection with the Lindbergh City Center Project be used to fund the partial cost of approved transportation improvements; and

WHEREAS Carter & Associates paid \$241,775 in park & recreation impact fees on permit # BB 200004841 (Exhibit B), and \$24,090 in park & recreation impact fees on permit # BB 200103698 (Exhibit C), for a total of \$265,865 in park & recreation impact fees; and

WHEREAS adopted ordinance 99-O-0941 directed that an amount equal to the park & recreation impact fees paid in connection with the Lindbergh City Center Project be used to fund the partial cost of approved parks additions or improvements and MARTA, through Carter & Associates, has held in conservation 3.788 acres of land, with an appraised value of \$779,710, paid \$47,724 to construct a nature trail across said land, and paid \$230,969 for creek restoration in Peachtree Hills Park and Tanyard Park, for a total of \$1,058,403 in approved Parks additions and improvements that are for public use and which have been approved by the appropriate City of Atlanta departments (Exhibit D); and

WHEREAS Carter & Associates, on behalf of the project and MARTA, is therefore eligible to receive both a reimbursement of the \$265,865 in park & recreation impact fees it paid, and the balance of \$792,538 in park and recreation impact fee credits, both for the provision of said approved Parks additions and improvements; and

WHEREAS Carter & Associates, on behalf of the project and MARTA wishes to apply this \$265,865 reimbursement of park & recreation impact fees to \$265,865 in prepaid transportation impact fees to be used by the City towards the partial payment of project costs associated with the three above listed transportation projects.

NOW THEREFORE IT IS ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: The Chief Financial Officer is authorized to reimburse Carter & Associates Park & Recreation impact fees in an amount not to exceed \$265,865; all charges and expenses associated with this reimbursement of impact fees be charged to and paid from:
FAC 1C28 529010 T31X049991

Section 2: That the Commissioner of Planning and Community Development is directed to use the total of the above referenced development impact fees paid by Carter & Associates on building permit # BB 200103698 and # BB 200004841 (attached as Exhibits B and C) and any prepaid impact fees paid by Carter & Associates, all associated with Lindbergh City Center, for the partial cost of providing public improvements as listed on Exhibit A

Section 3: That the Chief Financial Officer is authorized to reimburse Carter & Associates from the General Government Capital Outlay Fund Budget for costs associated with providing the public improvements, as listed on the attached Exhibit A, the total of which shall not exceed the previously authorized amounts, plus the total of the prepaid transportation impact fees, plus \$29,145, and that all costs associated with this reimbursement be charged to and paid from fund, account, and center combination 1C28 529010 M11X04519985.

Section 4: In the event that the impact fee funds earmarked by this ordinance have not been obligated to construction projects by December 31, 2004, said funds shall be placed in the appropriate impact fee account reserve centers for appropriation to other impact fee supported projects.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE
03-O-0633

INDEX

Exhibit A - Traffic Calming Projects

Exhibit B – Building Permit # BB 200004841

Exhibit C - Building Permit # BB 200103698

TRAFFIC CALMING PROJECTS

TIP #	FUND	GDOT PI #	CIP #	DESCRIPTION
AT-AR BP138	Q23-STP	762518	TR-2002-0092 (partial)	Lindbergh Drive Transit Oriented Sidwalks from Peachtree Road to Chesire Bridge Road
AT-AR BP293	Q40-CMAQ	762624	TR-2002-0103	Peachtree Hills Sidewalk from Peachtree to Lindbergh
AT-AR BP301	Q23-STP	0000337	TR-2002-0074	East Wesley Streetscape from Piedmont to Peachtree



BUILDING PERMIT

CITY OF ATLANTA - BUREAU OF BUILDINGS

Permit No.: BB 200004841 ✓
Date Issued: 18-JUL-2000

GENERAL PERMIT INFORMATION

Location: 2420 PIEDMONT RD NE
BELLSOUTH @ LINDBERGH-SITE WORK
Estimated Cost: \$10,000,000.00 Permit Fee: \$40,000.00
Plans: BLC1 200000066 Aprvd. By: R. STANDLEY
BB 200004841
Zone: 1-1 Aprvd. By: S. BARFIELD
PCN: 17 0059 LL041 Issued By: R. STANDLEY
Bldgs.: 1 Tot. Fl. Area: 999,399
Tot. Units: Parking Req'd:

BUILDING INFORMATION

Bldg. Name: MARTA-LINDBERG
Stories: 15 Height in Ft.: 190
Max. Occ.: 9,993 Ground Fl. Area: 999,399
Tot. Fl. Area: 999,399
Units: Space Fl. Area:

ERECT OFFICE BLDG
TYPE II SPRINKLERED CONST
BUSINESS OCCUPANCY-NEW

ADDRESS INFORMATION

Owner - CARTER & ASSOC
1275 PEACHTREE ST
ATLANTA, GA 30309 404-888-3000
Builder - HARDIN CONSTRUCTION
1380 W. PACES FERRY ROAD
ATLANTA, GA 30335 404-264-0404
Architect - COOPER-CARY INC
3520 PIEDMONT ROAD, NE, SUITE 200
ATLANTA, GA 30305 404-237-2000
Engineer - Civil - H D R/ W L JORDEN
1908 CLIFF VALLEY WAY
ATLANTA, GA 30329 404/320-1001

SCOPE OF WORK: New office bldg; mixed use development consisting of office, retail and restaurant and parking deck; Previously logged 9909231221; TWO 14 STORY TOWERS, TOTAL OF 999,399 SQ. FT.; FREE STANDING PARKING DECK CONSISTING OF 7 LEVELS

COMMENTS

ZONING COMMENT: DEVELOPMENT OF REGIONAL IMPACT ATTACHED; V-99-346 FOR PARKING REDUCTION TO 10,461 SPACES, 2,304 SPACES PROVIDED ON THIS PORTION OF OVERALL APPROVAL OF VARIANCE

POST IN A CONSPICUOUS PLACE ON THE JOB

DO NOT: POUR CONCRETE, COVER FRAMING NOR OCCUPY BUILDING UNTIL ALL INSPECTIONS HAVE BEEN MADE.

A SEPARATE PERMIT IS REQUIRED FOR ELECTRICAL, PLUMBING, HVAC WORK AND SIGNS.

GEORGIA - FULTON COUNTY

Personally appeared: DAN FITZPATRICK

who on oath says that (he) (she) is the applicant for the foregoing, and that all statements are true to the best of (his) (her) knowledge, and that the work to be done thereon is authorized by the owner.

AGENT ☐ CONTRACTOR ☐ OWNER ☒

Applicant:

Address: 1275 PEACHTREE ST
ATLANTA, GA 30309

Phone No.: 404-888-3000

Sworn to and subscribed before me this Eighteenth day of July, 2000.

[Signature]
Notary Public

Inspector:

G. CABANAW, 404-330-6146 Hrs. 7:15 - 8:45

The issuance of this permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing building operations being carried on thereunder when in violation of the Building Code or of any other ordinance of the City of Atlanta. Except as otherwise stated, a permit for construction under which no work is commenced within six months after issuance, or where the work commenced is suspended or abandoned for six months, shall expire, and fees paid shall be forfeited.

Norman Kaplan, P.E.
Director
Bureau of Buildings

Fee Description	Fee Amount	Fee Account No.
Building Permit Fee	40,000.00	1A01422101 B00001
Fire/Alarm Impact Fee	67,250.00	IC28 497101T31X04109991
Parks/Rx; Impact Fee- North	241,775.00	IC28 497201T31X04109991
Police Impact Fee	19,455.00	IC28 497301T31X04109991
Traffic Impact Fee	509,409.00	IC28 467401M11X04319945
Total Impact Fees:	837,929.00	
Total:	\$877,929.00	

NOT VALID UNLESS
STAMPED PAID BY MUNICIPAL
REVENUE COLLECTOR
NOT TRANSFERABLE
Certificate of Occupancy # _____
Completed Date: _____

A CERTIFICATE OF OCCUPANCY IS REQUIRED

(Inspector's signature)



BUILDING PERMIT

CITY OF ATLANTA - BUREAU OF BUILDINGS

Permit No.: BB 200103698
Date Issued: 14-JUN-2001

GENERAL PERMIT INFORMATION

Location: 2420 PIEDMONT RD NE
DECK 2/MERCANTILE/OFFICE FOUNDATION

Estimated Cost: \$565,470.00

Permit Fee: \$2,262.00

Plans: BLC1 200000066

Aprvd. By: R. STANDLEY

BB 200004841

Zone: I-1

Aprvd. By: A. HEARD

PCN: 17 0059 LL041

Issued By: R. STANDLEY

Bldgs.: 1

Tot. Fl. Area: 544,554

Tot. Units:

Parking Req'd.: 10,461

BUILDING INFORMATION

Bldg. Name: PARKING DECK 2/OFFICE-RETAIL

Stories: 6

Height in Ft.: 65

Max. Occ.: 1,116

Ground Fl. Area: 73,229

Units:

Tot. Fl. Area: 544,554

Space Fl. Area: 50,085

ERECT BUSINESS

TYPE I CONST

STORAGE OCCUPANCY

ADDRESS INFORMATION

Owner - MARTA

2424 PIEDMONT ROAD NE

ATLANTA, GA 30309

404-888-3000

Engineer - Civil - PHARR ENGINEERING

1720 CENTURY CIRCLE NE STE 22

ATLANTA, GA 30345

404-325-3441

Builder - HARDIN CONSTRUCTION

1380 W. PACES FERRY ROAD

ATLANTA, GA 30335

404-264-0404

Architect - COOPER CARRY

3520 PIEDMONT RD NE SUITE 200

ATLANTA, GA 30305

404-237-2000

SCOPE OF WORK: Phase I - mixed use development consisting of office, retail, restaurant and parking decks

THIS LOCATION IS NOT APPROVED FOR ADULT BUSINESS

COMMENTS

Zoning comment: V-99-346 for parking reduction

Foundations only for parking deck #2, including 23715 sf office (business occupancy) & 26,370 sf retail space (mercantile occupancy)

Impact fees: E0100499; includes 50% MARTA reduction for transportation & adjustment for office > 500,000 sf (entire site)

POST IN A CONSPICUOUS PLACE ON THE JOB

DO NOT: POUR CONCRETE, COVER FRAMING NOR OCCUPY BUILDING UNTIL ALL INSPECTIONS HAVE BEEN MADE.

A SEPARATE PERMIT IS REQUIRED FOR ELECTRICAL, PLUMBING, HVAC WORK AND SIGNS.

GEORGIA - FULTON COUNTY

The recipient of the building permit shall post a copy of same on a sign not less than six square feet with the words "Notice of Issuance of Building Permit" in letters not less than four inches high in a conspicuous place on the effected property so that the sign and permit can be easily viewed from the public street on which the property fronts. Said sign shall be posted no later than 24 hours after the issuance of the building permit and shall not be removed for 30 days. The recipient of the building permit shall also file a notarized affidavit with the Clerk of Council certifying under penalty of perjury the date on which the sign required in the above paragraph was posted.

Ordinance 00-O-1664/2-80-88 Jan 25, 2001

Personally appeared: CHIP FLORENZ

who on oath says that (he) (she) is the applicant for the foregoing, and that all statements are true to the best of (his) (her) knowledge, and that the work to be done thereon is authorized by the owner.

AGENT ☒ CONTRACTOR ☒ OWNER ☐

Applicant:

Address: 1275 PIEDMONT RD

ATLANTA, GA 30309

Phone No.: 770-403-5481

Signed to and subscribed before me this fourteenth day of June, 2001.

Inspector:

Notary Public

G. CABANAW, 404-330-6146 Hrs. 7:15 - 8:45

The issuance of this permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing building operations being carried on thereunder when in violation of the Building Code or of any other ordinance of the City of Atlanta. Except as otherwise stated, a permit for construction under which no work is commenced within six months after issuance, or where the work commenced is suspended or abandoned for six months, shall expire, and fees paid shall be forfeited.

Norman Kaplan, P.E.
Director
Bureau of Buildings

Fee Description	Fee Amount	Fee Account No.
Building Permit Fee	2,262.00	1A01422101 800000
Fire/EMS Impact Fee	6,718.00	IC28 497101T31X04109991
Police/Rec Impact Fee - North	24,090.00	IC28 497201T31X04109991
Police Impact Fee	1,930.00	IC28 497301T31X04109991
Traffic Impact Fee	29,145.00	IC28 467401M11X04519981
Total Impact Fees:	61,883.00	
Total:	\$64,145.00	

NOT VALID UNLESS
STAMPED PAID BY MUNICIPAL
REVENUE COLLECTOR.
NOT TRANSFERABLE
Certificate of Occupancy # _____
Completed Date: _____

A CERTIFICATE OF OCCUPANCY IS REQUIRED

(Inspector's signature)